REMARKS

Claims 9, 11-12, 17 and 21 are rejected.

Claim 9 is amended to claim that the video image that is processed is a broadcasted television video image. Support for this amendment is found in the specification on page 5, lines 9-20, and in other places.

Claim 11 and 12 are amended to properly claim that the claims are actually method claims, not apparatus claims.

No new matter is added in view of these amendments.

Applicants are also filing this RCE as so the Examiner can consider references cited in other related applications, which will follow this action, which could not be properly considered if the application was under appeal.

ARGUMENTS

I. 35 U.S.C. 103(a) Rejection to Claims 9, 11-12, 17, and 21

In the Office Action, the Examiner rejected Claims 9, 11-12, 17, and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field in view of U.S. Patent 5,956,716 to Kenner and view of U.S. Patent 5,805,153 to Nielsen.. Applicants disagree with this ground of rejection.

In the rejection, the Examiner acknowledges that the Field reference is completely silent about the use of JAVA computer code, as claimed in Claim 9, for the use of creating a composite video image. Hence, the Examiner refers to the teachings in Kenner to disclose features that are neither disclosed nor suggested in Field. Applicants therefore take note of the following issues:

1. The Applicants also take issue with the combination proposed by the Examiner, in that Field and Kenner with Nielsen are directed towards two different types of invention settings, where Field principles are to apply to the field of where a television signal is being used for a one-way type of communication. Field proposes a solution of using different transponder frequencies and the like as a delivery mechanism for allowing a user utilize HTML formatting code without using a back channel. Kenner and Nielsen however are directed toward a client/server field which would be a two-way type of communication.

At the time this application was filed (1997), it would be been unlikely for one of the ordinary skill in the art to combine all of these references because such references are directed towards different mechanisms of content delivery.

Therefore, in view of the combination of the references (at the time the application was filed), it is not disclosed or suggested how to apply the use of JAVA applets or code (from Kenner/Nielsen) which operate in an environment of a client-server setting to the setting of Field (and the present invention) which makes use of a broadcasted television signal (which is a one-way transmission), without hindsight of the Applicants' invention.

2. Applicants also take issue with the fact that the delivery of JAVA code (as claimed in Claim 9) is not the same as the use of HTML code (as in Field), and the mere replacement of HTML code with the claimed JAVA code as suggested by the Examiner by citing to Kenner, would not have been obvious to one of the ordinary skill in the art at the time the invention was filed. That is, the solution of Field relies on the use of different "channels" as a proxy for receiving HTML data. Typically, HTML data is delivered as a series of hyperlinks where the channels used in Field act as a substitute for different URLs used in HTML code where a user goes from one HTML page to a second HTML. JAVA code is different in that unlike HTML, in that it is not a formatting language, but rather a computer language. Hence, the delivery of the JAVA code would not need to operate in the same way as HTML because JAVA is a programming language which is transmitted is a self-contained way. In order to use Kenner and Nielsen with Field, the references would have to disclose how JAVA and HTML could operate as analogs (or alternatively how one of the ordinary skill in the art at the time the invention was filed could accomplish these features).

Applicants believe that at the time of the invention was filed; it was not obvious as to use JAVA as a substitute for HTML in the setting of Field as described above where the Examiner merely substitutes HTML for JAVA. Field may suggest this as the reference does not disclose the use as programming languages as alternatives for HTML (in the television broadcast setting, unlike the client/server setting).

Moreover, the Examiner has to cite to at least three applications that were not published not published at the time this application was filed. Although this point is not persuasive in view of establishing a 103(a) rejection, it does support that at the time of the invention's filing that the application of teachings client/server environment to the television environment were not trivial.

3. The claimed step of "formatting said decoded television program video data and said JAVA based computer code into a composite video image where the proportion of said video image contributed JAVA based computer code is rendered in response to an instruction" is also neither disclosed or suggested in Field, Kenner, or Nielsen , alone or in combination. The Examiner has to rely on the use of a web browser in Nielsen to show this feature as claimed in Claim 9. Applicants note that at the time of the filing of the Applicants invention, the application of a web browser would have been difficult to apply to the television setting. That is, a web browser and a composite video image derived from a broadcasted television signal are not the same thing.

4. In reference to the rejection of Claim 11, the Examiner cites to Kenner primarily (in combination with Field and Nielsen) as teaching the claimed features of "determining whether a User is authorized to access said television video image data". Applicants note that the user authorization principles of Kenner apply to a client/server setting as to determine whether a user has access to a particular website via an ISP (Kenner, col. 33, lines 37-49). The present invention is concerned with a broadcasted television signal which would not use (or consider the use) of a website and an ISP to determine whether a user would have access to said "television video image data". Hence, the principles of User authorization in a client/server environment at the time the invention was filed would not be analogous to the environment in which the present invention operates.

5. In the rejection of Claim 17, Applicants agree with the Examiner that none of the references disclose or suggest the claimed feature of "varying said

proportion of said video image contributed by said JAVA computer code wherein said proportion is a percentage capable of being selected from any integer value between 0 and 100." Applicants however dispute the Examiner's conclusion that Windows 95 teaches such a feature.

Specifically, although Windows 95 may teach the scaling of a window which is resize typically manually. It does not disclose or suggest having a "JAVA" command direct the proportion of how much of a window is occupied by a video image and how much is "contributed JAVA based computer code". That is, Claim 17 is about the size of content in a window (as a composite image between a video image and the JAVA code) instead of the size of the window itself (as disclosed or suggest by the Examiner's Official Notice in view of the Examiner's cited combination).

Therefore for the reasons listed above, Applicants assert that Claims 9, 11-12, 17, and 21 are patentable. Applicants request the removal of the rejection to these claims.

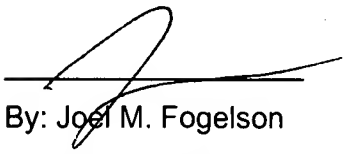
II. 35 U.S.C. 103(a) Rejection to Claim 13

In the Office Action, the Examiner rejected Claims 9, 11-12, 17, and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field in view of U.S. Patent 5,956,716 to Kenner and view of U.S. Patent 5,805,153 to Nielsen and in further view U.S. Patent 6,177,931 to Alexander. Applicants disagree with this ground of rejection.

Applicants assert that Claim 13 is patentable, as such a Claim depends on allowable Claim 9. Applicants request the removal of the rejection to this claim.

Applicants request a four-month extension under 37 C.F.R. 1.181(a) to file this response with the fee for the Request for Continuing Examination. Please charge the fees for this extension and RCE to deposit account 07-0832. Please charge any other fees owed in connection with this response to this deposit account, as well.

Respectfully submitted,



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